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9 JUDITH SOSA

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,  
14  
15 Plaintiff,  
16  
17 v.  
18 JUDITH SOSA,  
19 Defendant.

Case No. 08-0730 WHA

DEFENDANT JUDITH SOSA'S RESPONSE  
TO GOVERNMENT'S NOTICE OF MOTION  
FOR PROTECTIVE ORDER

Date: June 24, 2009  
Time: 2:00 p.m.  
Location: Courtroom 9

Before the Honorable William Alsup  
United States District Judge

1 By this pleading, defendant Judith Sosa, by and through her counsel, opposes the  
2 government's Notice of "Motion for Protective Order" and the [Proposed] Protective Order filed  
3 therewith. Clerk's Record ("CR") 324, 323.

4 On May 14, 2009, the government issued a Notice that it intended to move for a  
5 protective order in this case, and presented a [Proposed] Protective Order in support thereof. The  
6 government provides no bases to restrict Ms. Sosa from receiving any information, and provides  
7 no bases to believe she poses any threat to any person. Moreover, the government provides no  
8 authority to support this restrictive Order, which includes (among other unlawful and  
9 overburdensome conditions) requirements that (1) Ms. Sosa provide to the government her  
10 counsel's assessment of discovery reviewed pursuant to the [Proposed] Protective Order, *see* CR  
11 232 at 4:2-4, (2) precludes Ms. Sosa from copying her notes or typing them into files to be stored  
12 by her counsel, *id.* at 3:18-27, and (3) converts information Ms. Sosa has obtained already and  
13 may obtain in the future from sources other than the government into "protected information"  
14 subject to restriction, *id.* at 2:13-14, 4:19-24, 7:24-27.<sup>1</sup> In support of its proposal, however, the  
15 government does not present any motion, as if the discussion of any its purported factual support  
16 for this Order or the presentation of any governing statute, rule, or case law, would itself lead to  
17 some unknown harm against some unknown person.

18 So too, while the government's Notice addresses "identifier" information, the  
19 government's discovery production redacts far more than "identifier" information, redactions the  
20 government opts not to support in its [Proposed] Protective Order. The Court should thus Order  
21 the government to provide in unredacted form all discovery previously produced, but redacted in  
22 part, where those redactions that do not address "identifier" information.

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25 <sup>1</sup>This restriction would restrict Ms. Sosa from making use of her knowledge of Jaime  
26 Martinez's identity, or from typing that identity into notes, or from even writing this footnote.  
27 Indeed, without citation to any authority whatever, the government's [Proposed] Order requires  
28 that any defendant's investigation—even if that defendant foregoes obtaining materials under the  
government's [Proposed] Protective Order—is subject to restriction by this Court. CR 323 at  
7:24-27.

1 For these reasons, Ms. Sosa objects to and opposes the government's Notice and  
 2 [Proposed] Protective Order. Absent bases supporting non-disclosure to Ms. Sosa, and absent  
 3 authority permitting the Court to restrict information Ms. Sosa obtains through her own  
 4 investigation, there is no lawful basis to impose these limitations upon Ms. Sosa while she  
 5 prepares and presents her defense in this case. Moreover, requiring Ms. Sosa to review more  
 6 than 25,000 pages of discovery at the Office of the United States Attorney is unduly burdensome  
 7 and makes unworkable the current schedule set in this matter. More directly, if Ms. Sosa  
 8 (through her counsel) may be trusted to abide the terms of the [Proposed] Protective Order after  
 9 taking notes while at the Office of the United States Attorney, there is no reasoned basis to  
 10 restrict her counsel from receiving these materials directly—subject to reasonable  
 11 restriction—and to review them in counsel's office. Indeed, the government's agreement to  
 12 provide those materials 21 days before trial, *id.* at 16-23, demonstrates that its [Proposed]  
 13 Protective Order is structured to obtain for the government tactical advantages on the eve of trial  
 14 rather than meet solely its claimed "witness security" goals. Finally, to the extent the Court finds  
 15 appropriate any restrictions requested by the government with respect to Ms. Sosa, she requests  
 16 disclosure of all potential witnesses 120 days before trial so that she may have adequate time to  
 17 prepare for trial of this cause.

18 Respectfully submitted,  
 19 DATED: May 27, 2009 COLEMAN & BALOGH LLP

20  
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 27 JUDITH SOSA \_\_\_\_\_  
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